

**NINETEENTH DAY**  
(Monday, February 22, 1993)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Carriker, Ellis, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Leedom, Lucio, Luna, Madla, Moncrief, Montford, Nelson, Parker, Patterson, Ratliff, Rosson, Shapiro, Shelley, Sibley, Sims, Turner, Wentworth, West, Whitmire, Zaffirini.

Absent-excused: Truan.

A quorum was announced present.

The Reverend Jack Riley, First Baptist Church, San Saba, offered the invocation as follows:

Almighty God, creator of all things, giver of every good and perfect gift, hear us this day as we seek Thy blessings upon our deliberations.

We acknowledge before Thee our shortcomings, our selfishness, our smugness, and our pride. Forgive us wherein we have come short of Thy will for us and for our state. Create within us clean hearts, and renew right spirits, that we may do better and be better. Forgive us our forgetfulness of the state's sore need and our contentment with things as they are.

Hear us when we pray for all those in places of influence and authority, that they may do right. Guide those who lead us; and touch Thy servants with Thy holy spirit, that their faith may be revived, their hope renewed, and their vision made clear and challenging. Give to them the conviction that with Thy help all things are possible—even the most difficult things that baffle us now. God forbid that any of us here should add to the problems of the hour, but rather resolve, by Thy help, to become part of the answer.

So help us, God, for Jesus' sake. Amen.

On motion of Senator Zaffirini and by unanimous consent, the reading of the Journal of the proceedings of Thursday, February 18, 1993, was dispensed with and the Journal was approved.

**LEAVE OF ABSENCE**

On motion of Senator Barrientos, Senator Truan was granted leave of absence for today on account of important business.

**CO-AUTHOR OF SENATE JOINT RESOLUTION 1**

On motion of Senator Sibley and by unanimous consent, Senator Wentworth will be shown as Co-author of S.J.R. 1.

On motion of Senator Bivins and by unanimous consent, Senator Shapiro will be shown as Co-author of S.B. 64.

On motion of Senator Carriker and by unanimous consent, Senator Sims will be shown as Co-author of S.B. 157.

On motion of Senator Lucio and by unanimous consent, Senator Zaffirini will be shown as Co-author of S.B. 251.

On motion of Senator Moncrief and by unanimous consent, Senators Parker, Ratliff, Wentworth, Sims, West, Madla, Lucio, Carriker, Luna, Montford, Haley, Armbrister, Sibley, Nelson, and Turner will be shown as Co-authors of S.B. 364.

Senator Armbrister was recognized and presented Dr. Nancy Dickey of Richmond as the "Doctor for the Day."

The Senate welcomed Dr. Dickey and thanked her for her participation in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians.

Senator Ratliff was recognized and introduced Dr. John M. Ellis of Mount Pleasant, who is also participating in the "Capitol Physician" program.

Dr. Ellis is retired from his medical practice after 50 years of service. He is here today with his wife, Lucille, and members of his family.

The Senate welcomed Dr. Ellis and family and expressed congratulations to him on his retirement.

## SENATE BILLS ON FIRST READING

The following bills were introduced, read first time, and referred to the committees indicated:

**S.B. 390** by Harris of Dallas Economic Development  
Relating to the continuation of the Texas Workers' Compensation Insurance  
Facility.

**S.B. 391 by Rosson** Intergovernmental Relations  
Relating to the composition and operation of municipal boards of  
adjustment.

**S.B. 392 by West** Health and Human Services  
**Relating to minimum standards for medical procedures involving sedation**  
**or contrast media.**

**S.B. 393** by Barrientos Education  
Relating to financial assistance to school districts for programs for students who are at risk of dropping out, including students who are pregnant and students who are parents; administration of the equivalency examination pilot program; and notification to school districts of births to school-age students.

**S.B. 394** by Parker Economic Development  
Relating to the promotion of economic development in the state by improving the competitiveness of Texas public ports with ports outside of Texas, by extending the authority of navigation districts to sell or lease certain property of such districts.

**S.B. 395** by Parker Education  
Relating to school employee rights.

**S.B. 396** by Parker Economic Development  
Relating to the organization and regulation of state savings banks; providing penalties.

**S.B. 397** by Wentworth Intergovernmental Relations  
Relating to the power of counties to prohibit or restrict the use, possession, or sale of fireworks; providing a penalty.

**S.B. 398** by Madla State Affairs  
Relating to certain temporary wine and beer, and mixed beverage permits for certain nonprofit organizations.

**S.B. 399** by Madla, Zaffirini Natural Resources  
Relating to the validation of the creation of the Siesta Shores Water Control and Improvement District and the district's administration and operation.

**S.B. 400** by Harris of Tarrant Economic Development  
Relating to the regulation of debt collectors.

**S.B. 401** by Shapiro State Affairs  
Relating to the requirements for licensing of public employees who perform pest control services.

**S.B. 402** by Shapiro Natural Resources  
Relating to certain devices used to protect nursery stock and the registration and inspection of those devices when used for commercial purposes.

**S.B. 403** by Shapiro Education  
Relating to the student union building fees at The University of Texas at Dallas.

**S.B. 404** by Truan, Intergovernmental Relations  
Harris of Dallas, Haley, Ellis, Lcedom, Madla, Parker, Lucio, Rosson, Wentworth, West  
Relating to the right of certain municipal and county employees to purchase a continuation of health benefits coverage at retirement.

- S.B. 405** by Carriker Economic Development  
Relating to the continuation of the Texas Department of Commerce.
- S.B. 406** by Ellis Economic Development  
Relating to the adoption of a nonsubstantive revision of the statutes relating to labor and employment, including conforming amendments, repeals, and penalties.
- S.B. 407** by Ellis Health and Human Services  
Relating to the rehabilitation of individuals with disabilities and the administration of the Texas Rehabilitation Commission.
- S.B. 408** by Ellis Finance  
Relating to the exemption of the comprehensive rehabilitation fund from consolidation or abolition.
- S.B. 409** by Ellis Criminal Justice  
Relating to the obtaining of criminal conviction record information by the Texas Rehabilitation Commission.
- S.B. 410** by Barrientos Intergovernmental Relations  
Relating to the abolition of the office of elected county public weigher.
- S.B. 411** by Barrientos State Affairs  
Relating to the prohibition of certain discriminatory employment practices.
- S.B. 412** by Harris of Dallas Economic Development  
Relating to components of net income used in establishing rates of a gas utility.
- S.B. 413** by Harris of Dallas State Affairs  
Relating to the regulation of real estate brokers, salesmen, and inspectors.
- S.B. 414** by Wentworth State Affairs  
Relating to minimum standards for smoking in public places or at public meetings; providing penalties.
- S.B. 415** by Wentworth Jurisprudence  
Relating to truancy proceedings in certain justice courts.
- S.B. 416** by Parker Natural Resources  
Relating to the creation, administration, powers, and authority of the Chambers County Improvement District No. 1.
- S.B. 417** by Harris of Tarrant Economic Development  
Relating to disclosures required in the sale of certain single interest insurance policies.
- S.B. 418** by Harris of Tarrant Jurisprudence  
Relating to the enforcement of certain employee claims for payment of wages.
- S.B. 419** by Carriker Education  
Relating to the University of North Texas.
- S.B. 420** by Carriker Economic Development  
Relating to the requirement of a refund by gas utilities of illegal or unlawful rates collected by gas utilities.

**S.B. 425 by Carriker** Committee of the Whole Senate on  
Redistricting, Ethics and Elections  
Subcommittee on Elections and Ethics  
Relating to the dates of the general and runoff primary elections.

**(President in Chair)**

## BILL AND RESOLUTIONS SIGNED

**The President announced the signing of the following enrolled bill and resolutions in the presence of the Senate after the caption had been read:**

H.C.R. 18	H.C.R. 48
H.C.R. 25	S.C.R. 3
H.C.R. 40	S.C.R. 10
H.C.R. 46	S.B. 146

## MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas  
February 22, 1993

TO THE SENATE OF THE SEVENTY-THIRD LEGISLATURE,  
REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

TO BE JUDGE OF THE 66TH JUDICIAL DISTRICT COURT, HILL COUNTY, until the next general election and until his successor shall be duly elected and qualified:

F. B. "BOB" MCGREGOR, JR.

P. O. Drawer 1287

Hillsboro, Texas 76645-1287

Mr. McGregor will be replacing Judge Robert G. Dohoney of Hillsboro, who resigned.

TO BE MEMBERS OF THE TEXAS BOARD OF CRIMINAL JUSTICE  
for terms to expire February 1, 1999:

CAROL S. VANCE  
5758 Indian Circle  
Houston, Texas 77057

Mr. Vance is being reappointed.

JOHN R. WARD  
2712 South Highway 36  
Gatesville, Texas 76528

Mr. Ward will be replacing F. L. "Steve" Stephens of San Angelo, whose term expired.

JUSTICE GILBERTO HINOJOSA  
6701 Everhart, Apt. #1607  
Corpus Christi, Texas 78413

Justice Hinojosa will be replacing Mamie Proctor of Houston, whose term expired.

Respectfully submitted,

/s/Ann W. Richards  
Governor of Texas

#### **SENATE BILL 265 REREFERRED**

On motion of Senator Sims and by unanimous consent, S.B. 265 was withdrawn from the Committee on Criminal Justice and was rereferred to the Committee on Finance.

#### **SENATE BILL 378 REREFERRED**

On motion of Senator Whitmire and by unanimous consent, S.B. 378 was withdrawn from the Committee on Criminal Justice and was rereferred to the Committee on Finance.

#### **SENATE BILL 253 REREFERRED**

On motion of Senator Whitmire and by unanimous consent, S.B. 253 was withdrawn from the Committee on Jurisprudence and was rereferred to the Committee on Criminal Justice.

#### **SENATE BILL 88 WITH HOUSE AMENDMENTS**

Senator Henderson called S.B. 88 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

#### **Amendment**

Amend S.B. 88 by substituting in lieu thereof the following:

#### **A BILL TO BE ENTITLED AN ACT**

relating to the validation of governmental acts and proceedings by municipalities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Title 28, Revised Statutes, is amended by adding Article 974d-40 to read as follows:

Art. 974d-40

Sec. 1. APPLICATION. This article applies to any incorporated city, town, or village operating under general law or under a home-rule charter.

Sec. 2. ADOPTION OF HOME-RULE CHARTER. (a) All governmental acts and proceedings of a municipality covered by this article regarding the adoption of a home-rule charter are validated as of the dates on which they occurred.

(b) All governmental acts and proceedings of the municipality since adoption or attempted adoption of the charter are validated as of the dates on which they occurred.

Sec. 3. INCORPORATION PROCEEDINGS. (a) The incorporation proceedings of all cities and towns in this state that incorporated or attempted to incorporate under the general laws of the State of Texas, whether under the aldermanic or commission form of government, and which have functioned or attempted to function as incorporated cities or towns since the date of such incorporation or attempted incorporation are validated as of the date of such incorporation or attempted incorporation. The incorporation of such cities and towns shall not be held invalid by reason of the fact that the election proceedings or incorporation proceedings may not have been in accordance with law.

(b) All governmental proceedings performed by the governing bodies of all such cities and towns and their officers since their incorporation or attempted incorporation are validated as of the date of such proceedings, including extensions or attempted extensions of extraterritorial jurisdiction undertaken at the request of owners of territory.

Sec. 4. ANNEXATION PROCEEDINGS. (a) The governmental acts and proceedings of a city or town relating to the annexation or attempted annexation of adjacent territory by the city or town before December 31, 1992, are validated as of the dates they occurred. The acts and proceedings may not be held invalid because they were not performed in accordance with the procedural or other requirements of Chapters 42 and 43, Local Government Code, or other law. The boundaries fixed by the annexation or attempted annexation are validated.

(b) The governmental acts and proceedings of a city or town occurring after annexation may not be held invalid on the ground that the annexation, in the absence of this article, was invalid.

Sec. 5. ANNEXATIONS NOT VALIDATED. This article does not validate governmental acts or proceedings relating to a city's or town's annexation or attempted annexation of territory in the extraterritorial jurisdiction of another city or town without the consent of that city or town in violation of Chapters 42 and 43, Local Government Code.

Sec. 6. ORDINANCE OR REGULATION NOT VALIDATED. This article does not validate any ordinance or regulation of a municipality that violates Section 1.06 or 109.57, Alcoholic Beverage Code.

Sec. 7. EFFECT OF LITIGATION. This article does not apply to any matter that on the effective date of this article:

(1) is involved in litigation if the litigation ultimately results in the matter being held invalid by a final judgment of a court of competent jurisdiction; or

(2) has been held invalid by a final judgment of a court of competent jurisdiction.

SECTION 2. Title 28, Revised Statutes, is amended by adding Article 974d-41 to read as follows:

Art. 974d-41

Sec. 1. APPLICATION. This article applies to any municipality having a population of 1.5 million or more.

Sec. 2. PROCEEDINGS VALIDATED. The governmental acts and proceedings of a municipality relating to a bond election that was held before December 1, 1991, and at which the ballot proposition was approved by more than 60 percent of the voters voting on the proposition are validated as of the dates they occurred. The validation includes the preparation and wording of the ballot proposition, any action taken by the municipality in calling and holding the bond election, and any other action taken by the municipality before the effective date of this article in connection with the issuance of any bonds approved in the bond election. The acts and proceedings may not be held invalid because they were not performed in accordance with law. A municipality may take any further action or conduct any further proceeding necessary to complete the issuance of the bonds approved at the bond election, and, when issued, the bonds are valid and binding obligations of the municipality in accordance with the terms of the bonds.

Sec. 3. EFFECT ON LITIGATION. This article does not apply to any matter that on the effective date of this article has been held invalid by a final judgment of a court of competent jurisdiction.

Sec. 4. RECOMMENDATION. The legislature recommends to the governing body of a municipality that it adopt the aggregate goals for the municipality's contracting with minority and women enterprises set forth in the June 1992 report of Texas Southern University as specified for the categories of construction, procurement, and professional services.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

**Amendment No. 1**

Amend C.S.S.B. 88 by inserting immediately before the emergency section the following section, appropriately numbered, to read as follows:

SECTION \_\_\_\_ Title 28, Revised Statutes, is amended by adding Article 974d-47 to read as follows:

Art. 974d-47



Sec. 1. APPLICATION. This article applies to a municipality operating under a home-rule charter that is not a member of a regional transportation authority and that is located wholly or partly in a county that contains territory within the boundaries of a regional transportation authority created under Chapter 683, Acts of the 66th Legislature, Regular Session, 1979 (Article 1118y, Vernon's Texas Civil Statutes).

Sec. 2. PROCEEDINGS VALIDATED. (a) A municipal sales and use tax adopted at an election held before January 18, 1993, that had the result of raising the combined rate of all sales and use taxes imposed by the municipality and other political subdivisions of this state having territory in the municipality to two percent or more in the municipality is validated as of the date of the election.

(b) The acts or proceedings performed as authorized by the municipality in ordering the election or since the passage of the sales and use tax are validated and may not be held invalid because they were not performed in accordance with the requirements of Chapter 321, Tax Code, or other law.

Sec. 3. EFFECT ON LITIGATION. This article does not apply to any matter that on the effective date of this article:

(1) is involved in litigation if the litigation ultimately results in the matter being held invalid by a final judgment of a court of competent jurisdiction; or

(2) has been held invalid by a final judgment of a court of competent jurisdiction.

#### **Amendment No. 2**

Amend C.S.S.B. 88 on page 4, between lines 16 and 17, by adding a new Section 5 to the added Article 974d-41 to read as follows:

Sec. 5. CONDITIONS AFFECTING EXPENDITURE OF BOND PROCEEDS. (a) Expenditures of the bond proceeds by the municipality shall:

(1) be made in accordance with the covenants of all ordinances enacted by the municipality before the bond election approving the bonds;

(2) benefit the residents of the municipality so that the benefits or expenditures, if feasible, reflect the demographic makeup of the municipality; and

(3) to the extent the proceeds are designated for housing in the municipality's bond proposition, be made for construction and rehabilitation of housing and all matters incidental to housing construction and rehabilitation on-site.

(b) This section applies cumulatively to the entire bond authorization, rather than to individual bond issues or contracts for the expenditure of the proceeds, and the municipality's governing body is responsible for making decisions on individual bond issues and contracts.

#### **Amendment No. 3**

Amend C.S.S.B. 88 on page 4, line 16, by adding after the period: "A cause of action may not be maintained to enforce this section or to recover damages based on the failure of the municipality to follow the recommendation of this section."

The amendments were read.

Senator Henderson moved that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

The President asked if there were any motions to instruct the conference committee on S.B. 88 before appointment.

There were no motions offered.

The President announced the appointment of the following conferees on the part of the Senate on the bill: Senators Henderson, Chair; Shelley, Harris of Dallas, Whitmire, and Ellis.

#### **SENATE BILL 287 REREFERRED**

On motion of Senator Ellis and by unanimous consent, S.B. 287 was withdrawn from the Committee on Criminal Justice and was rereferred to the Committee on State Affairs.

(Senator Turner in Chair)

#### **COMMITTEE SUBSTITUTE SENATE BILL 63 ON SECOND READING**

Senator Leedom moved that the regular order of business, Senate Rule 7.13 and Section 5 of Article III of the State Constitution be suspended and that C.S.S.B. 63 be taken up for consideration at this time:

C.S.S.B. 63, Relating to the issuance of anticipation notes by counties and municipalities.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Truan.

The bill was read second time and was passed to engrossment by a viva voce vote.

#### **COMMITTEE SUBSTITUTE SENATE BILL 63 ON THIRD READING**

Senator Leedom moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 63 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Truan.

The bill was read third time and was passed by a viva voce vote.

#### **COMMITTEE SUBSTITUTE SENATE BILL 251 ON SECOND READING**

Senator Lucio moved that the regular order of business, Senate Rule 7.13 and Section 5 of Article III of the State Constitution be suspended and that C.S.S.B. 251 be taken up for consideration at this time:

**C.S.S.B. 251**, Relating to the conversion of the McAllen extension center of Texas State Technical College to a joint-county junior college.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Truan.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 251 ON THIRD READING**

Senator Lucio moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 251** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Truan.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

(President in Chair)

**SENATE BILL 249 ON SECOND READING**

Senator Haley moved that the regular order of business, Senate Rule 7.13 and Section 5 of Article III of the State Constitution be suspended and that **S.B. 249** be taken up for consideration at this time:

**S.B. 249**, Relating to sewer connections in municipalities.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Truan.

The bill was read second time and was passed to engrossment by a viva voce vote.

**SENATE BILL 249 ON THIRD READING**

Senator Haley moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 249** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Truan.

The bill was read third time and was passed by a viva voce vote.

**GUEST PRESENTED**

Senator Harris of Dallas was recognized and introduced Billy Bob Barnett of New Orleans, former resident of Fort Worth.

The Senate welcomed Mr. Barnett.

(Senator Armbrister in Chair)

**MESSAGE FROM THE HOUSE**

House Chamber  
February 22, 1993

Mr. President: I am directed by the House to inform the Senate that the House has passed the following:

**S.C.R. 27**, Expressing sincere appreciation to Dr. Thomas K. Kim for his exceptional contributions to his university and congratulating him on the occasion of his retirement.

**S.C.R. 19**, In memory of Jubal Richard Parten.

Respectfully,

BETTY MURRAY, Chief Clerk  
House of Representatives

**RECESS**

On motion of Senator Harris of Dallas, the Senate at 11:31 a.m. took recess until 2:00 p.m. today.

**AFTER RECESS**

The Senate met at 2:00 p.m. and was called to order by the President.

**SENATOR ANNOUNCED PRESENT**

Senator Truan, who had previously been recorded as "Absent-excused," was announced "Present."

**RECORD OF VOTE**

Senator Truan asked unanimous consent to be recorded as voting "Yea" on the passage of **C.S.S.B. 251**, which was voted on and passed today during his excused absence.

There was no objection.

**MESSAGE FROM THE HOUSE**

House Chamber  
February 22, 1993

Mr. President: I am directed by the House to inform the Senate that the House has passed the following:

**S.J.R. 4**, Proposing a constitutional amendment authorizing the issuance of \$750 million in state general obligation bonds to assist school districts in financing facilities and repealing the authorization for \$750 million in state revenue bonds guaranteed by the permanent school fund. (As amended)

The House has granted the request of the Senate for the appointment

of a conference committee on S.B. 88: Representatives Edwards, Chair; Bailey, Dutton, Hill, and Pitts.

Respectfully,

BETTY MURRAY, Chief Clerk  
House of Representatives

**SENATE RULE 7.21 SUSPENDED  
(Printing Rule)**

On motion of Senator Bivins and by unanimous consent, Senate Rule 7.21 was suspended as it relates to the printing of the House amendments to S.J.R. 4.

**SENATE JOINT RESOLUTION 4 WITH HOUSE AMENDMENTS**

Senator Bivins called S.J.R. 4 from the President's table for consideration of the House amendments to the resolution.

The President laid the resolution and the House amendments before the Senate.

**Amendment No. 1**

Amend S.J.R. 4 as follows:

(1) In Article VII, Section 5(b), between "to" and "Finance" (House Committee Report page 1, line 18), insert "partially".

(2) In Section 2 of the joint resolution, between "in" and "financing" (House Committee Report page 2, line 19), insert "partially".

**Amendment No. 2**

Amend S.J.R. 4 in Article VII, Section 5(b), by striking "~~If the proceeds of bonds issued by the state are used to provide a loan to a school district and the district becomes delinquent on the loan payments, the amount of the delinquent payments shall be offset against state aid to which the district is otherwise entitled]~~" and substituting "[ If the proceeds of bonds issued by the state are used to provide a loan to a school district and the district becomes delinquent on the loan payments, the amount of the delinquent payments shall be offset against state aid to which the district is otherwise entitled".

**Amendment No. 3**

Amend S.J.R. 4 as follows:

On page 2, line 19 after "facilities" insert:  
, authorizing the state to forgive payment of loans made to a school district for partially financing facilities.

**Amendment No. 1 on Third Reading**

Amend S.J.R. 4 on third reading as follows:

(1) In Article VII, Section 5(b), between "bonds" and "of" (page 1, line 12), insert "or revenue bonds".

(2) Strike Section 2 and substitute the following:

This proposed constitutional amendment shall be submitted to the

voters at an election to be held May 1, 1993. The ballot shall be printed to provide for voting for or against the proposition: "The constitutional amendment authorizing the issuance of \$750 million in state general obligation or revenue bonds to assist school districts in partially financing facilities, authorizing the state to forgive payments of loans made to a school district for partially financing facilities, and repealing the authorization for \$750 million in state revenue bonds guaranteed by the permanent school fund."

The amendments were read.

Senator Bivins moved to concur in the House amendments to **S.J.R. 4**.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Armbrister, Barrientos, Bivins, Brown, Carriker, Ellis, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Leedom, Lucio, Luna, Madla, Moncrief, Montford, Parker, Patterson, Ratliff, Rosson, Shelley, Sibley, Sims, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

Nays: Nelson, Shapiro.

#### MEMORIAL RESOLUTIONS

**S.R. 263** - By Patterson: In memory of Dianne Ellen Lauletta of League City.

**S.R. 272** - By Turner: In memory of Gabriel Zipperlen of Rosebud.

**S.R. 285** - By Turner: In memory of Virginia Lois Parsons of Thornton.

**S.R. 286** - By Turner: In memory of Maggie J. Moore of Corsicana.

#### CONGRATULATORY RESOLUTIONS

**H.C.R. 41** - (Haley): Honoring Gladys Fulton Bailey Sneed on her 100th birthday.

**S.C.R. 31** - By Barrientos: Recognizing the poster artists of Austin and declaring February 25, 1993, as Austin Poster Artist Day.

**S.R. 261** - By Madla: Honoring the 18th Annual Cultural Arts Exhibit at Mission San Jose of San Antonio.

**S.R. 262** - By Madla: Congratulating WIMODAUSIS Chapter No. 141, Order of the Eastern Star, on the occasion of its 75th anniversary.

**S.R. 264** - By Moncrief: Congratulating Leslie Lemon for eleven years of service with the Senate.

**S.R. 265** - By Ellis: Congratulating Douglas Whitley as he begins a new position as Vice-President of Government Relations with Illinois Bell.

**S.R. 266** - By Turner: Congratulating Craig Wiesepape of the Navasota Police Department on being named Officer of the Year.

**S.R. 267** - By Turner: Congratulating Patrolman Ronnie Norwood of the Navasota Police Department on being named winner of the 1992 professionalism award.

**S.R. 268** - By Turner: Congratulating Sergeant Lewis Jackson on receiving the Navasota Police Department's community service award.

**S.R. 269** - By Turner: Congratulating the Kroschewsky and Wolbrueck families of Taylor for their recognition by the Texas Department of Agriculture.

**S.R. 270** - By Turner: Congratulating the Spitzer and Maass families and Mass Dairy of Brenham for their recognition by the Texas Department of Agriculture.

**S.R. 271** - By Turner: Congratulating Judi Shanklin of Georgetown on being named Business Leader of the Year by the Georgetown Chamber of Commerce.

**S.R. 273** - By Turner: Congratulating the members of the Barton and Hubert families of Brenham for their recognition by the Texas Department of Agriculture.

**S.R. 274** - By Turner: Congratulating members of the Adamek family of Brenham for their recognition by the Texas Department of Agriculture.

**S.R. 275** - By Turner: Congratulating the Fuchs family of Lott for their recognition by the Texas Department of Agriculture.

**S.R. 276** - By Turner: Congratulating members of the Schoenemann and Gafke families of Bryan for their recognition by the Texas Department of Agriculture.

**S.R. 277** - By Turner: Congratulating J. C. Sheffield on his retirement as a director of the Freestone County Soil and Water Conservation District.

**S.R. 278** - By Turner: Congratulating members of the von Gonten family of Rockdale for their recognition by the Texas Department of Agriculture.

**S.R. 279** - By Turner: Congratulating members of the Grace family of Franklin for their recognition by the Texas Department of Agriculture.

**S.R. 280** - By Turner: Congratulating Lieutenant Ken Goodenow of the Taylor Fire Department on having been selected for the Earl Malone Memorial Award for his contributions to the Taylor Fire Academy.

**S.R. 281** - By Turner: Congratulating Velda Leyerle of Bryan on her retirement, bringing to a close an exceptional career in retail that spanned over 70 years.

**S.R. 282** - By Turner: Congratulating the Grimes County Jaycees on their selection for the Community Service Award by the Grimes County Chamber of Commerce.

**S.R. 283** - By Turner: Congratulating the Caldwell National Bank on the occasion of its 90th anniversary.

**S.R. 284** - By Turner: Extending congratulations to Harriette Williford-Whatley of Fairfield on the occasion of her 75th birthday.

**S.R. 287** - By Turner: Congratulating Bonnie Fultz Armstrong on being selected for the 1993 Citizen of the Year Award by the Grimes County Chamber of Commerce.

**S.R. 288** - By Turner: Congratulating Maria Almanza of Navasota on her election as the 1993 Employee of the Year by the Grimes County Chamber of Commerce.

**S.R. 289** - By Turner: Congratulating Police Chief Stafford Bengtson on his retirement after 25 years of service with the Taylor Police Department.

**S.R. 290** - By Turner: Congratulating Mrs. Minnie Mullenax Corner of Huntsville on the occasion of her 85th birthday.

**S.R. 291** - By Turner: Congratulating Mr. and Mrs. Frank Moore of Huntsville on the occasion of their 50th wedding anniversary.

**S.R. 292** - By Turner: Congratulating Mr. and Mrs. Andrew Rieger on the occasion of their 60th wedding anniversary.

**S.R. 293** - By Turner: Congratulating Mr. and Mrs. N. F. Jimenez of Palestine on the occasion of their 50th wedding anniversary.

**S.R. 294** - By Turner: Congratulating Mr. and Mrs. Raymond Martin on the occasion of their 50th wedding anniversary.

**S.R. 295** - By Turner: Congratulating Mary Beth Huba of Georgetown for her accomplishments on behalf of the citizens of the city.

**S.R. 296** - By Turner: Congratulating Chief of Police Charles W. Phelps of Bryan on his retirement after 33 years of service.

**S.R. 297** - By Turner: Congratulating Linda McCalla for being chosen for the Georgetown Chamber of Commerce Honor Roll.

**S.R. 298** - By Turner: Congratulating Harold Mickan for recently being chosen as Agriculturist of the Year by the Georgetown Chamber of Commerce.

**S.R. 299** - By Turner: Congratulating Roy Holliday of Georgetown on being chosen for the Georgetown Chamber of Commerce Honor Roll.

**S.R. 300** - By Parker: Congratulating Alletta R. Thompson for her selection as the 1992 Woman of the Year by the Quota Club of Port Arthur.

#### **ADJOURNMENT**

On motion of Senator Harris of Dallas, the Senate at 2:10 p.m. adjourned until 11:00 a.m. tomorrow.

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#### **APPENDIX**

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#### **REPORTS OF STANDING COMMITTEE**

The following committee reports were received by the Secretary of the Senate:



February 22, 1993

STATE AFFAIRS — S.B. 370, S.B. 87

**SENT TO GOVERNOR**

(February 19, 1993)

S.C.R. 13

S.C.R. 25

S.C.R. 26

S.B. 171

**TWENTIETH DAY**

(Tuesday, February 23, 1993)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Carriker, Ellis, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Leedom, Lucio, Luna, Madla, Moncrief, Montford, Nelson, Parker, Patterson, Ratliff, Rosson, Shapiro, Shelley, Sibley, Sims, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

A quorum was announced present.

The Reverend W. D. Turner, Grant Chapel A.M.E. Church, Austin, offered the invocation as follows:

Most gracious God, who from Your throne beholds all the dwellers upon earth, we humbly beseech You for Your servants, the Texas Senate, that they may always incline to Your will and walk in Your way; and that You will likewise bless all who are set in authority over us, that they may be dedicated to the advancement of Your glory, the good of Your church, the safety, honor, and welfare of the nation; that all things may be so ordered and settled by their endeavors, upon the best and surest foundations, that peace and happiness, truth and justice, religion and piety may be established among us for all generations. These, and all other necessities for them, for us, and for Your whole church, we humbly beseech in the name and mediation of Jesus Christ, our most blessed Lord and Savior. Amen.

On motion of Senator Harris of Dallas and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**CO-AUTHOR OF SENATE BILL 287**

On motion of Senator Ellis and by unanimous consent, Senator Shapiro will be shown as Co-author of S.B. 287.